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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shimpei MIURA

Group Art Unit: 1795

Application No.: 10/585,347

Examiner: J. MAPLES

Filed: July 27, 2006

Docket No.: 128621

For: FUEL CELL SYSTEM AND FUEL GAS CONTROL METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 26 Restriction Requirement, Applicant provisionally elects Group I, claims 1-9, 11, and 12, with traverse.

Applicant respectfully submits that there exists *a priori* unity of invention with respect to claims 1-12, by virtue of the fact that the claims of Groups I and II are directed to a fuel cell system and fuel gas control method using a fuel cell, respectively. As stated in 37 C.F.R. § 1.475 (discussed in Section 1850 of the MPEP):

An international or a national stage application containing claims to different categories of invention **will be considered to have unity of invention** if the claims are drawn only to one of the following combinations of categories:
...(4) A process and an apparatus or means specifically designed for carrying out the said process...

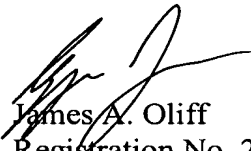
Thus, Applicant submits that the claims of Groups I and II share special technical features, necessary for unity of invention under PCT Rule 13.1. Therefore, Applicant

respectfully submits that claims 1-12 (i.e., Groups I and II) are linked by unity of invention under PCT Rule 13.1, and thus a restriction requirement at this time is improper.

It is also respectfully submitted that the subject matter of all claims 1-12 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,


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Date: March 27, 2009

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